

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION**

**MICHAEL KELLY, on behalf of himself
and others similarly situated,**

Plaintiff,

v.

**FIRST ADVANTAGE BACKGROUND
SERVICES CORP.,**

Defendant.

)
) Civil Action No. 15-cv-05813
)
) **NOTICE OF PLAINTIFF’S**
) **UNOPPOSED MOTION FOR**
) **PRELIMINARY APPROVAL OF**
) **CLASS SETTLEMENT**
)
)
) Hon. Michael Shipp
) District Judge
)
)
) Hon. Tonianne J. Bongiovanni
) Magistrate Judge
)
)
) Motion Date: April 17, 2017

PLEASE TAKE NOTICE that on April 17, 2017, Plaintiff, by his undersigned counsel, will appear before the Honorable Michael Shipp, U.S.D.J., and move pursuant to Fed R. Civ. P. 23(e) for this Court to preliminarily approve a settlement of this class action between Plaintiff, on behalf of the Certified Class, and Defendant First Advantage Background Services Corp. (hereafter “Defendant”). In addition to the attached Memorandum of Law in Support of Plaintiff’s Unopposed Motion for Preliminary Approval of Class Settlement, Plaintiff states:

1. The parties reached a final agreement to settle this action, subject to reduction to, and execution of, a final settlement agreement on January 3, 2017. The parties have since executed a written settlement agreement, a copy of which appears as Exhibit 1 to the attached memorandum of law. For the reasons set forth in the memorandum of law, the settlement agreement is fair, reasonable and adequate.

2. Plaintiff requests that this Court preliminarily approve the Settlement Agreement, and enter the Preliminary Approval Order attached as Exhibit 3 to the memorandum of law.

3. Plaintiff also requests this Court to schedule a Final Approval Hearing at which the Court will consider: (a) whether the Settlement should be finally approved as fair, reasonable and adequate for the Class, including any timely objections thereto; (b) whether the Judgment granting approval of the Settlement and dismissing the Class Action with prejudice should be entered; (c) whether Class Counsel's application for attorneys' fees and costs should be granted, and (d) whether Class Counsel's application for Service Award to Plaintiff will be granted.

4. Counsel for Defendants have reviewed this Motion, and Defendant does not oppose this Motion or the relief sought.

Dated: March 17, 2017

Respectfully submitted,

FRANCIS & MAILMAN, P.C.

/s/ James A. Francis

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Attorneys for Plaintiff and the Class

CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing has been filed electronically and is available for viewing and downloading from the federal courts' Electronic Cases Files system. A copy of the foregoing has been served on counsel of record via the ECF system.

DATE: March 17, 2017

/s/ James A. Francis
James A. Francis